

RESOLUTION 2009-79

RESOLUTION OF THE EL CERRITO CITY COUNCIL APPLYING FOR STATE
TRANSPORTATION IMPROVEMENT PROGRAM – TRANSPORTATION
ENHANCEMENT GRANT FUNDS FOR THE “IMPROVEMENTS TO MOESER AND
ASHBURY PEDESTRIAN AND BICYCLE CORRIDORS” PROJECT

WHEREAS, the City of El Cerrito (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$900,000 in funding from the 2010 Regional Transportation Improvement Program (RTIP) for the Pedestrian and Bicyclist Improvements along Ashbury Avenue and Moeser Lane (herein referred to as “PROJECT”) for the MTC 2010 RTIP, as authorized by MTC by Resolution No. 3928 (herein referred to as “PROGRAM”); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2010 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Project Programming Request (PPR) form of the PROJECT application, attached hereto and incorporated herein (“PROJECT Application”) as though set forth at length, lists the PROJECT, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, the PROJECT Application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the PROJECT listed in the RTIP project nomination sheet of the PROJECT Application for programming by MTC; and

WHEREAS, as part of the application for 2010 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the PROJECT will comply with the procedures specified in the “Timely Use of Funds Provisions and

Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that APPLICANT approves the assurances set forth in the PROJECT Application project application, attached to this resolution; and

BE IT FURTHER RESOLVED, that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3928, Attachment 1, Pages 14-15, and as may be further amended), that PROJECT will be implemented as described in the complete PROJECT Application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2010 RTIP Policies and Procedures (MTC Resolution No. 3928); and

BE IT FURTHER RESOLVED, that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule set forth in the RTIP Project Programming Request (PPR) form of the PROJECT application, attached to this resolution; and

BE IT FURTHER RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and

BE IT FURTHER RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and

BE IT FURTHER RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED, that APPLICANT authorizes its City Manager or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the PROJECT, purposes and amounts included in the PROJECT Application attached to this resolution; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT Application referenced herein.

* * * * *

I CERTIFY that at a regular meeting on December 7, 2009 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmembers Abelson, Cheng, Jones, Lyman and Mayor Potter
NOES: None
ABSENT: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December 14, 2009.


Cheryl Morse, City Clerk

APPROVED:


Sandia Potter, Mayor

Attachment: PROJECT Application

